over them, with a view both to protect public interests and to safe-guard the rights o the people, who by an exercise of their intellect and intelligence contribute to the literary and scientific productions of their country. Following this rule, Regulation II of 1039 was passed by this Government for protecting copy-right in books. But since the date of that enactment, the number both of publications and presses has vastly increased, and above two years ago, the then District Magistrate of Trivandrum, now unfortunately no more, pointed out the necessity of enacting a Regulation on the lines of the British Indian Act XXV of 1867. Careful inquiries have shown that the necessity pointed out really exists. And there also exists the necessity for controlling in some form the circulation of periodicals. I beg, therefore, to apply for permission to introduce, at a future meeting, a Bill on the lines of Acts XXV of 1867, III of 1882, X of 1890 and the British Post Office Act.

Permission was granted accordingly.

THE LEPERS BILL.

Mr. Thanu Pillai.—The question of passing a law relating to lepers, on the lines of Act III of 1898 of British India, has been engaging the attention of His Highness' Government for some time past. Recently, the matter was prominently brought to notice by the President of the Town Improvement Committee, Alleppey, who forwarded draft of a Bill and copy of a resolution of the Committee, strongly urging the need for legislation. The measure recommended by the Committee was intended to apply to the whole country and to all persons suffering from any form of the disease. Such a sweeping measure seems neither expedient nor necessary. The Council is probably aware that the death or rather the martyrdom of Fr. Damien at Molokai in 1889 led to the appointment of an Indian Leprosy Commission which, after a patient and thorough investigation, arrived at the conclusion that leprosy is not diffused by hereditary transmission, but is contagious and inoculable, though "the extent to which it is propagated by these means is exceedingly small." It was the opinion of the Commission that there is very little danger of propagation by contagion unless the disease has reached the stage of ulceration, and that there is no need for legislative interference in rural areas where the patients live, scattered about the country. But the Commission found that there was a tendency for mendicant lepers to crowd into towns and trade on their infirmities in the public streets and bazaars. I think our own experience would bear out this observation, as we can hardly pass through the streets in the important towns without noticing some helpless lepers covered with ulcers soliciting or extorting alms. The presence of these unfortunates, sometimes in large numbers, in the public streets in crowded centres of population constitutes a menace to public health, letting alone the annoyance which the general public are put to.

The Bill I now seek to place before the Council has been prepared with due regard to the above considerations. The term 'leper' has been defined so as to bring within its meaning only persons in whom the disease has reached the stage of ulceration and the local application of the Bill is limited to specified urban areas. Even within these limited areas, the Bill does not contemplate any interference with individual liberty except in cases which clearly constitute a public nuisance or source of public danger. The Bill provides for the compulsory removal to an asylum of only mendicant and vagrant lepers. In regard to others, it merely prohibits them from following certain occupations which concern the food, drink and clothing of the people generally. Ample safe-guards have been provided to prevent the measure being turned into an engine of oppression by the Police.

I shall reserve my further observations on the Bill to a later stage. I trust the Council is satisfied as to the expediency of the measure and will give me permission to introduce it.

Permission was granted accordingly.

PUBLIC CONVEYANCES BILL.

Mr. Thanu Pillai.—I beg to move that the Public Conveyances Bill, as amended by the Select Committee, be taken into consideration.

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The chief object of this Bill, as I have already explained on a previous occasion, is to facilitate and encourage the introduction of improved means of locomotion, such as steam-boats, motor-cars and the like. One of the main objections to the Bill as originally introduced was that it would injuriously affect the poor men who now earn their bread by plying boats and driving carts for hire. It was, of course, not intended that the provisions of the proposed measure should apply to the ordinary cart and boat traffic; and the intention has been made clear by the amendment which the Select Committee has made to the definition of the term 'Public Conveyance.' Another objectionable feature of the Bill to which attention has been forcibly drawn is the provision for granting exclusive privilege. A monopoly is doubtless an evil, but under certain circumstances, it is a necessary evil. An experimental enterprise, like an infant industry, requires some protection, and in this view, the Select Committee has retained the provision relating to exclusive privilege but has fixed a maximum period. The other provisions of the Bill relate to details on which I need hardly make any remarks.

The motion was put and agreed to.

Section 2, Clause (1).

Mr. Sivasubramonia Pillai.—I beg to propose that the definition of "Public Conveyance" be altered as follows:

"'Public Conveyance' denotes "a carriage, boat or other vehicle, not belonging to Government, engaged in the business of transporting for hire persons or property from place to place by land or inland navigation for all persons indiscriminately."

I have adopted this definition from the Common Carriers Act. A common carrier is defined as a person or company engaged in the business of transmitting for hire persons or property from place to place by land or inland navigation for all persons indiscriminately. And reading Pollock on Torts, I find that to constitute a common carrier, (1) he must carry all persons indiscriminately and (2) he must carry on the business as a profession. These ideas are, I think, not brought out in the definition as it stands. I have also made it clear that Government vehicles are excluded from the operation of the Bill. It is very necessary in my opinion that the legal obligation on the part of the owner of a public conveyance to carry all persons indiscriminately should be explicitly stated.

Seconded by Mr. Nagam Aiya.

Mr. Thanu Pillai.—As the member in charge of the Bill, I beg to be permitted to say a word. I agree with Mr. Sivasubramonia Pillai that the public conveyances contemplated by the Bill should be available for all classes of persons. But my impression is that the meaning is contained in the definition as it now stands. I have, however, no objection to make it more explicit. But in regard to the other portion of my friend's speech, I beg to observe that we cannot adopt the definition of "Common Carrier" in this Bill. What is here intended is really to create a sort of monopoly, whereas any person who plies for hire is a common carrier. It is not expedient to bring such persons under the very restrictive provisions of this Bill. The object of the measure is simply to enable the Government to license the introduction of steam-boats, tram-cars, &c. If a Common Carriers Act is necessary, we may introduce it at a later stage. But that has nothing to do with this Bill.

After some discussion Mr. Sivasubramonia Pillai withdrew his amendment as the Council were of opinion that it was not necessary but the definition of "traffic" in clause (3) might be slightly modified so as to impose a legal obligation on the owner of a public conveyance to take passengers of all classes.

Mr. Thanu Pillai then proposed that the definition of "traffic" be recast as follows:

"'Traffic' means goods, animals or passengers of all classes."

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Seconded by Mr. Sivasubramonia Pillai.

Carried by majority.

Section 2, Clause (2).

Mr. Kunhiraman Nair.—I beg to propose that the word "exclusive" before "right" in line 2 be omitted. As observed in the Report of the Select Committee in connection with section 7, the license to be granted need not necessarily be for an exclusive privilege in every case, and a licensee may be a person who has obtained the right but not the exclusive right to carry traffic by means of public conveyance.

Seconded by Mr. Thanu Pillai.

Carried.

Section 2.

Mr. Thanu Pillai.—I beg to propose that the following definition of "road" be inserted in the section as clause (5). "'Road' includes a pier, jetty, ghat or landing stage." A person who proposes to start a public conveyance may wish to construct a railed road and further desire that the railed road should end in a port, in which case a jetty or pier may become necessary. It may also be necessary that it should be a part of the railed road. To obviate any possible ambiguity, I propose to put in the definition.

Seconded by Mr. Rajaram Row.

Carried.

Sections 2—15.

Mr. Thanu Pillai.—I will now proceed with the group of amendments of which I have given notice. I will take them as a whole, as the reason is the same for all, namely, to make the meaning clear:

(1) In section 2, clause (2), line 4, omit the words "by Our Government."

(2) In section 3, omit the words "from Our Government" in lines 3 and 4.

(3) In section 6, lines 1 and 3, substitute "Dewan" for "Government."

(4) In section 7, line 1, substitute "Dewan with Our sanction" for "Government"; in line 4, substitute "his" for "the" and omit the words "of Our Dewan"; and in line 14, omit the words "of Our Government."

(5) In section 8, line 10, substitute "Dewan" for "Government"; in line 12, substitute "he" for "Our Government" and insert the words "with Our sanction" between "may" and "cancel."

(6) In section 8A, line 4, substitute "Dewan" for "Government."

(7) In section 9, line 1, substitute "Dewan" for "Government" and insert the words "with Our sanction" between "may" and "from"; and in clauses (*e*) and (*f*), substitute "Dewan" for "Government."

(8) In section 10, omit "the" in line 2, and "of Our Government" in line 3.

(9) In section 11, line 3, omit the words "by Our Government", and substitute "Dewan" for "Government" in line 9.

(10) In section 15, line 1, substitute "Dewan" for "Government" and insert the words "with Our sanction" between "may" and "by".

Seconded by Mr. Nagam Aiya.

Carried.

Section 4, Clause (e).

Mr. Sivasubramonia Pillai.—I beg to propose that the words "laid out" be substituted for "utilised" in this clause. The amendment is only verbal.

Seconded by Mr. Thanu Pillai.

Carried.

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Section 9.

Mr. Thanu Pillai.—I beg to propose that the following be inserted as clause (*b*) of this section:

"the carriage of sick passengers, dangerous goods or animals."

The restriction contemplated is necessary in the interests of public health and safety.

Seconded by Mr. Nagam Aiya.

Carried.

Section 10.

Mr. Sivasubramonia Pillai.—I beg to propose that the word "used" be substituted for "intended" in line 9. This would make the meaning clearer.

Seconded by Mr. Rajaram Row.

Carried.

Section 17.

Mr. Thanu Pillai.—I beg to propose that the word "Second" be substituted for "First" in line 3. Considering the nature of many of the offences under the proposed Regulation and the fact that we have not First Class Magistrates' Courts in every part of the country, I think we may extend the power of trying such offences to Second Class Magistrates also. There would otherwise be much inconvenience in dragging parties and witnesses to the First Class Magistrates' Courts.

Seconded by Mr. Dharmaraja Iyer.

Mr. Kunhiraman Nair.—The trial of offences under this Regulation except the offence under section 13 may often give rise to nice points of law and the conviction under section 10 entails confiscation of property which may, in some cases, be worth several thousands of rupees. The conviction under section 11 may similarly lead to the cancelment of the whole license, and the offence under section 12 is punishable with two years' imprisonment. The Second Class Magistrates are always Revenue Tahsildars or Deputy Tahsildars and the trial of these offences involving grave issues should be held before a superior Magistrate. I would, therefore, leave the provisions in section 17 untouched except in regard to the offence under section 13 which may, I think, be tried by a Second Class Magistrate. In the Bill as originally introduced, the power to pass the order of confiscation was to be exercised by a high executive officer but, for obvious reasons, the power is now given to the trying Magistrate and that Magistrate should, I think, be a superior one.

After some discussion, Mr. Thanu Pillai's amendment was carried by majority.

Section 18.

Mr. Thanu Pillai.—My last amendment is to put in the following as section 18.

"On the application of the licensee, the Dewan may, with Our sanction, acquire, under the Land Acquisition Regulation, any land required for purposes connected with the working of a Public Conveyance, and transfer it to the licensee on payment by him of the value of such land."

The object of the amendment is to take power to Government to acquire land for the purposes of the working of public conveyances. In British India the Land Acquisition Act contains the necessary provisions for acquiring land for and on behalf of private individuals and companies who carry on works of public utility. Our Land Acquisition Regulation, however, provides only for the acquisition of lands for public purposes. Recently, another Regulation was passed, not through this Council but under section 14 of the Legislative Council Regulation, empowering Government to acquire lands for railway purposes. We have, as necessities arise, to extend the law. It might perhaps be said that the proper course would be to amend the Land Acquisition Regulation so as to give power to Government to acquire lands for companies or private individuals. But it seems to me that for our present purpose, a section like the one proposed would quite answer.

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Seconded by Mr. Nagam Aiya.

Mr. Kunhiraman Nair.—I have my own doubts as to the necessity for the proposed amendment. The existing law embodied in sections 3 and 4 of our Land Acquisition Regulation seems wide enough to empower the Government to acquire any land needed for the working of public conveyances. The law leaves it to the discretion of the Government to decide what are public purposes and what not, and the Dewan's declaration on the point is final and cannot be questioned by any body. Roads and buildings for the working of public conveyances may, without an undue stretch of the language, be classed under the category of public purposes, and if so, the provision seems to be redundant. I am, however, aware that in the corresponding sections 6 and 7 of the British Indian Land Acquisition Act, the words "or for a company" are to be found which, however, are omitted from sections 3 and 4 of our Regulation. The omission, whether intentional or unintentional, does not affect the plain meaning of the words as used in our Regulation and is not fatal to my view. But the Government seem to think otherwise and probably wish to be on the safe side by making an express provision on the subject. I do not, therefore, wish to oppose the proposed amendment, seeing that there is no harm in making the law clearer. But I would suggest the addition of the words "and on such conditions as the Dewan may, with Our sanction, deem fit to impose." It is undesirable that lands acquired under the Land Acquisition Regulation should be unconditionally transferred to a private person or company so as to give occasion for the arising of questions as to the ownership in the land after the private person or company has ceased to be a licensee by effluxion of time or otherwise.

Mr. Thanu Pillai.—I have no objection to the modification suggested.

The amendment thus modified was put to the vote and carried.

President.—Considering the importance of this Bill, I wish to make a few observations. Government have recently received several applications from respectable firms and individuals for permission to introduce motor-cars, steam-launches and the like, for the convenience of the travelling public and speedy transport of goods. In view of the large outlay involved in the introduction of improved locomotives and of the uncertainties of their financial success, the applicants naturally ask for the exclusive privilege of working them. As there is no law to enforce the concessions which it may be found absolutely necessary to grant, to induce capitalists to undertake such concerns at their own cost, the applications received have not been disposed of. The object of the present legislation is to afford facilities for the introduction of improved locomotives on modern and scientific lines, which is necessary in the interests of trade and public convenience.

It has been remarked that this measure seeks to create monopolies which are subversive of free competition so essential for healthy progress in all departments of business and would delay, if not wholly prevent, the introduction of improvements resulting from the rapid succession of scientific discoveries. This may be true in a country in which there is abundance of capital seeking remunerative employment, coupled with enterprise and skill among its inhabitants. But owing to the very limited resources of this country and the infancy of the spirit of enterprise, special encouragement in the shape of concessions is necessary to induce capitalists to invest their capital on new undertakings. It is, I believe, on these considerations that the British Indian Legislature passed the Tramways Act. As we have extensive waterway, the present measure intends to bring within its scope, traffic by steam-launches also. It should be noted that the duration of concessions to be granted is limited to a maximum period of 15 years. This circumstance, coupled with the heavy initial outlay and misgivings as to the success of new undertakings in a financial point of view, distinguishes the transactions falling within the scope of this measure from monopolies whose characteristic feature is comparatively small expenditure and large profits. The concessions falling under this Bill will be more in the nature of contracts in partial restraint of trade which the common law allows in the interests of trade than of monopolies. It will be the constant aim of His Highness' Government to deal with applications for concessions in such a manner as to secure public advantage without unduly curtailing the unrestricted employment of capital by individuals.

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Mr. Thanu Pillai.—I beg to move that the Bill as now amended be read again on a future day of which notice shall be given.

The motion was put and agreed to.

CIVIL COURTS REGULATION AMENDMENT BILL.

Mr. Thanu Pillai.—I beg to move that the Civil Courts Bill, as amended by the Select Committee, be taken into consideration.

The Bill, as the Council will have observed, has been materially modified by the Select Committee. In the Bill as introduced, the provision relating to the enhanced ordinary jurisdiction of Munsiffs was permissive, as in the case of the small cause jurisdiction. But after careful consideration, it was found that a varying ordinary jurisdiction would lead to much practical inconvenience and the Select Committee, therefore, amended the provision so as at once to raise the ordinary jurisdiction of all Munsiffs from Rs. 500 to Rs. 1,000. The Select Committee, however, thought that it would not be expedient to deprive the parties of the right which they now possess of getting a decision from the High Court in all cases the amount or value of the subject-matter of which exceeded Rs. 500, and added a section accordingly.

Among the papers circulated, I find one from Mr. Mathew B. A. & B. L., Vakil, Quilon, strongly objecting to the above provision. His reasons are (1) that "this is is a novel departure in the principles of legislation," (2) that "it is a slur on the honesty and intelligence of the Zillah Judges," and (3) that "it gives expenses and inconvenience to the public". Now, novelty, by which, I believe, is meant something new and not old, is not an objectionable feature in a legislative measure. But, I must confess, that the second ground of objection is quite *novel*. Mr. Mathew cannot but be aware that in the Madras Presidency appeals from the decrees and orders of the Subordinate Judges lie to the District Court except when the amount or value of the subject-matter of the suit exceeds Rs. 5,000, in which case the appeal lies to the High Court. Is this a slur on the intelligence and honesty of the District Judges in British India? His third ground of objection deserves consideration. But I should observe that now, all the appeals above Rs. 500 lie to the High Court, and the new provision is no novel departure so far as expense and inconvenience to the public are concerned.

It should be borne in mind that of the total litigation in Travancore, a little over 2½ per cent only represent suits of which the amount or value exceeds Rs. 500. Of the latter, about 60 per cent relate to suits between Rs. 500 and Rs. 1,000 in value. Any one acquainted with the economic condition of the people must admit that a sum of between Rs. 500 and Rs. 1,000 represents the aggregate property of a considerable proportion of the litigant public, and a wrong decision in a suit of such value means the ruin of families. Would it be proper to deprive the people of the right which they have hitherto enjoyed of getting a decision from the highest tribunal in the land? It may, of course, be said that a second appeal to the High Court is allowed in cases where the Zillah Judge differs from the Munsiff in his finding. But the statistics which I have been able to collect show that in 60 per cent of the cases, the findings of the Munsiffs and Zillah Judges are concurrent. Even in regard to the remaining 40 per cent, the party will have to incur the expense of two appeals to get a decision from the highest tribunal, and, I am sure, the Council will agree as to the inexpediency of multiplying appeals.

With these observations, I move that the Bill be taken into consideration.

The motion was put and agreed to.

Mr. Poonen.—I beg to propose the amendment of which I have given notice. Ordinarily, an appeal from the decree of a court must lie to the court immediately superior to it. According to the proposed section 7, a suitor, the amount or value of the subject-matter of whose suit is above Rs. 500 and below Rs. 1,000, has not the right to appeal to the Zillah Court, and hence he does not get the benefit of the decisions of three courts. But a suitor, the amount or value of the subject-matter of whose suit is Rs. 500 or below that sum, gets the benefit of the decisions of three courts viz., the Munsiff's Court, the Zillah Court, and the High Court. This appears to be

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